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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,384

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Douglas C. Myers

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06/25/2007

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EXAMINER

BELLINGER, JASON R

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

06/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/766,384

Applicant(s)

MYERS ET AL.

Examiner

Jason R. Bellinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the detachable half shaft assembly being detached from the shaft bell", as set forth in claim 9, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is indefinite due to the fact that it is unclear how the "detachable half shaft" may be "detached from the shaft bell"; given the fact that shaft bell and half shaft are shown as integral elements in the drawings.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Austin. As best understood, Figure 4 of Austin shows a detachable half shaft assembly 10 including a shaft bell 46 and a disc rotor 26. The detachable half shaft includes a preloaded bearing assembly having an inner surface formed through inboard and outboard ends. A detachable body 14 includes an inboard interface at an inboard end 72 and an outboard interface at an outboard end 76. The inboard interface is configured to connect to the shaft bell 46, while the outboard interface connects to the brake rotor 26. The detachable body 14 includes a bearing-receiving portion defined by a stepped

boss (formed near the outboard end 76 of the body 14) and a roll-formed face (formed at the inboard end 72 of the body 14).

The inner surface of the preloaded bearing assembly is received on the bearing-receiving portion of the detachable body 14, with the stepped body and roll-formed face engaging the bearing assembly at the inboard 72 and outboard 76 ends to maintain the preload tension thereon when the detachable half shaft assembly 10 is detached from either the shaft bell 46 or the disc rotor 26. The bearing assembly includes an outer race 32 having an inner wall formed therethrough with inboard and outboard outer raceways formed thereon. An outboard inner race is disposed adjacent the outboard end 76 of the detachable body 14, and includes a first raceway formed thereon to cooperate with the outboard outer raceway to house bearings 55.

An inboard inner race 73 is disposed adjacent the inboard end 72 of the detachable body 14, and includes a second raceway formed thereon to cooperate with the inboard outer raceway to house bearings 56. The inboard inner raceway includes an inboard inner surface.

### ***Response to Arguments***

6. Applicant's arguments filed 7 June 2007 have been fully considered but they are not persuasive. First, it should be noted that the Applicant has not address the objections to claimed subject matter not being shown in the drawings.

Second, the Applicant argues that Austin does not show the bearing assembly being "preloaded and maintained about the detachable body". However, as shown in

Figure 4, the bearings would remain preloaded about the "detachable body" (namely the hub 14) if the hub were to be removed from the disc rotor or knuckle 36 or half shaft 24, given the fact that the inner race 73 is retained by the roll-formed edge (at 72).

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the bearing being preloaded and maintained about the detachable shaft) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant argues that the bearing assembly recited in claim 9 is "preloaded and maintained about the detachable body (shaft)". First, if "detachable body" referred to in line 4 of claim 9 is indeed the half shaft, then this limitation is not shown in the drawings since the half shaft is shown as an integral part of the shaft bell. Secondly, the hub 14 of Austin meets the description and physical limitations of the "detachable body" set forth in the claims. The claims do not preclude additional elements from the assembly. Furthermore, the preamble of the claims sets forth a "detachable half shaft assembly" which includes "a shaft bell and a disc rotor". No where is a half shaft (aka spindle) actually positively recited, since the phrase "the detachable half shaft comprising" is inferred to mean that additional elements of the "detachable half shaft assembly" will be set forth.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason R Bellinger  
Primary Examiner  
Art Unit 3617

